

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6773

BILL NUMBER: HB 1276

NOTE PREPARED: Jan 10, 2010

BILL AMENDED:

SUBJECT: Domestic Violence, Bullying, and Sending of Sexual Material.

FIRST AUTHOR: Rep. Blanton

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill requires the Sentencing Policy Study Committee to study and make recommendations regarding the sending of sexually suggestive or sexually explicit material over the Internet or by use of a cell phone or similar device.

The bill requires school corporations to provide instruction or programs regarding domestic violence. The bill also amends the definition of "bullying" to include communications transmitted from an electronic communications device or through a social networking web site.

This bill also requires a person convicted of domestic battery to complete a batterers' intervention program. It provides that a court may require a person convicted of domestic battery to have only supervised visitation with the person's child. The bill requires the Department of Child Services (DCS) to facilitate the supervised visitation. It also requires DCS to administer and staff a parental assistance hotline.

The bill increases the time a facility is required custody of a person arrested for domestic violence to 24 hours.

This bill provides that any person at least 15 years of age may file for an order of protection.

This bill also requires each postsecondary educational institution to adopt policies regarding student notification of dangerous situations on and off campus.

It also requires the Criminal Justice Institute to establish and administer a program to collect information regarding domestic violence that occurs in Indiana and to report it to the National Incident-Based Reporting

System within the Federal Bureau of Investigation.

Effective Date: July 1, 2010.

Explanation of State Expenditures: *Summary:* This bill is could increase state expenditures by approximately \$687,000 during FY 2011 and \$497,000 in FY 2012, depending on administrative and legislative actions.

These estimated expenditures are based on the following.

DCS is required to administer and staff a parent-stress hotline telephone service to assist parents with stress issues and include the hotline number in local listings. Depending on how the hotline is implemented by DCS, state expenditures would increase. The estimated cost to provide a parental stress hotline in the state is \$427,000 per year based on the expenses of a parental stress hotline in Massachusetts.

Additionally, the Criminal Justice Institute (CJI) reports the provisions of the bill will require additional resources to provide staffing and develop a database to collect and report state data on domestic violence. The estimated initial cost for this requirement is expected to be approximately \$260,000 in the first year and approximately \$70,000 per year in subsequent years.

Additional Information:

Sentencing Policy Study Committee: This bill adds study topics the Committee is required to study. This will increase the responsibilities of the Sentencing Policy Study Committee; however, the additional topics can be incorporated into the committee's work.

Criminal Justice Institute: The bill requires CJI to establish a program to collect information regarding domestic violence that occurs in the state and to report this information to the Federal Bureau of Investigation (FBI). Certain information regarding domestic violence is already maintained by the CJI. Currently, the CJI offers reimbursement for certain expenses related to domestic violence. In order to receive reimbursement, victims are required to submit applications and certain forms. The CJI reports they do not currently routinely collect state data on domestic violence or report this data to any entities. The requirements of this bill are expected to require additional resources to hire staff to perform this function as well as develop a database for the collection and reporting of state aggregate domestic violence data. The estimated fiscal impact is expected to be approximately \$260,000 in the first year to develop the database (\$200,000) and provide one additional staff position (\$40,000 salary plus \$20,000 in fringe benefits annually) and \$70,000 per year afterwards for salary and maintenance of database (estimated at \$10,000 annually).

Department of Child Services: Under the bill, a court may require DCS to provide supervised visitation to parents who are convicted of domestic battery. DCS currently provides services in cases of domestic violence only if there is an open child in need of services (CHINS) or informal adjustment case. To the extent the court requires supervised parenting time provided by DCS for non-CHINS, this will increase DCS workload. Any increase in workload is indeterminable and depends on the decisions of the court.

The bill's requirements represent an additional workload [and/or expenditure] on the agency outside of the agency's routine administrative functions, and existing staffing and resource levels, if currently being used to capacity, may be insufficient for full implementation. The additional funds and resources required could

be supplied through existing staff and resources currently being used in another program or with new appropriations. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend on legislative and administrative actions.

Parent-Stress Hotline: The state of Massachusetts has a 24-hour parental stress hotline that is administered by the Parents Helping Parents (PHP) organization of Massachusetts. This is not a state-provided service, but PHP does receive approximately half of their budget from state funding. The parental stress hotline utilizes primarily volunteers to provide counseling and resource referrals to parents who call. Average call volume in Massachusetts is approximately 3,500 calls per year. It was reported that the annual cost of the parental stress hotline in Massachusetts is approximately \$427,000 and includes the costs of 2.5 full-time staff, training, equipment, and facilities.

PHP reported these costs could be reduced if the state (1) were to contract out the requirements to a nonprofit organization, (2) used existing facilities and staff for the implementation of the call center, and (3) were to maximize the use of volunteers to staff the hotline. State expenditures may be greater than those reported by PHP, but would ultimately depend on the advertising strategy selected by DCS administrators. PHP also reports, depending on decisions of program administrators, there may be no start-up costs associated with a parental stress hotline.

The bill's requirements represent an additional workload [and/or expenditure] on the agency outside of the agency's routine administrative functions, and existing staffing and resource levels, if currently being used to capacity, may be insufficient for full implementation. The additional funds and resources required could be supplied through existing staff, resources, and facilities currently being used in another program or with new appropriations. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend on legislative and administrative actions.

Dangerous Situations at College: This bill requires each postsecondary educational institution to adopt policies regarding student notification of dangerous situations on and off campus. Each postsecondary educational institution is required to submit an annual report to the Legislative Council and the Higher Education Commission regarding the policies adopted. The impact is probably minor and can be paid through existing resources.

Explanation of State Revenues: *Protective Orders:* The bill adds a provision that allows individuals as young as 15 years of age to request protective orders. Currently, only individuals who are at least 18 years of age can request protective orders. If additional civil actions occur and court fees are collected, revenue to the state General Fund may increase. A civil costs fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

Explanation of Local Expenditures: *Protective Orders:* Allowing individuals as young as 15 years of age to request protective orders will increase the number of individuals that can petition the court for a civil protective order and increase court workload. Increases in workload are expected to be minimal.

Cooling-Off Period: The bill increases holding periods of individuals held after a domestic violence arrest,

from 8 hours to 24 hours. This will increase local expenditures to hold arrested individuals for an additional 16 hours per offense. However, any additional local expense is likely to be small.

Domestic Violence Instruction: The bill requires schools to provide instruction and programs regarding domestic violence. Schools can use domestic violence prevention organizations to assist with the programs. The instruction could be included in a high school health class. The impact would depend on how schools choose to provide the instruction. Schools would probably substitute the instruction for some other instruction. The program would have to be done within the current resources.

Bullying Definition: The addition of including communications transmitted from an electronic communications device or through a social networking web site should not have any fiscal impact.

Batterer's Intervention Programs: The bill requires a court to order individuals convicted of domestic battery to attend and finance the expenses of a batterer's intervention program. Any expenditures (1) the Department of Corrections, (2) a county jail, (3) a community corrections program, (4) a probation office, or (5) a parole authority may experience to provide this programming is to be offset by user fees. No fiscal impact is expected as a result.

GPS Tracking: The bill allows courts to require a person charged with a domestic violence crime to wear a GPS tracking device as a condition of bail. The court is also authorized to order a person who is required to wear a GPS tracking device to pay any costs associated with the monitoring. However, court expenditures may increase to the extent (1) GPS tracking is ordered, (2) an individual is unable to finance all of the costs associated with GPS monitoring, and (3) the court elects to pay for some of the costs of GPS tracking.

No information is available on the number of persons who have been arrested and are on bail awaiting trial who might be required to wear a GPS tracking device. The estimated annual cost of GPS monitoring is \$6,200 per person. If a court does elect to finance ordered GPS monitoring, court expenditures will depend on (1) the total number of individuals whose GPS monitoring is financed by the court and (2) the duration of which these individuals are monitored. Actual increases are indeterminable.

Explanation of Local Revenues: *Protective Orders:* This bill will increase the number of individuals that can petition the court for a civil protective order. Civil court fees may increase as a result. If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 civil costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

State Agencies Affected: CJI, DCS.

Local Agencies Affected: Trial courts, city and town courts.

Information Sources: David Stewart, CJI; Neil Moore, CJI; Ellen Holland, DCS; Leslie Rogers, Division of State Court Administration; Randall Block, Parents Helping Parents of Massachusetts, (617) 926-5008 ex. 105.

Fiscal Analyst: Bill Brumbach, 232-9559; Chuck Mayfield, 232-4825.